

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

MARVIN LYNN FLEMING, JR, #51354,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:20-CV-00025-RWS-
v.	§	CAN
	§	
SIXTH DISTRICT COURT OF LAMAR	§	
COUNTY,	§	
	§	
Defendant.	§	

ORDER

Before the Court is the Magistrate Judge’s Report and Recommendation, containing proposed findings of fact and recommendation that Plaintiff Marvin Lynn Fleming, Jr’s complaint be *sua sponte* dismissed under 28 U.S.C. § 1915A. Docket No. 16. Plaintiff has filed no objections thereto.

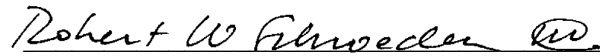
The Magistrate Judge’s Report was mailed to Petitioner’s last known address but was returned as undeliverable. Docket No. 17. Plaintiff is a *pro se* litigant, and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are “responsible for keeping the clerk advised in writing of the current physical address.” Local Rule CV-11(d). To date, Plaintiff has not updated his address with the Court or filed objections to the report. A document enclosed with the returned mail indicates that Petitioner is not in custody in Lamar County Jail. Docket No. 17.

Because Plaintiff did not file objections to the Report, he is not entitled to *de novo* review by the undersigned of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with it. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Accordingly, the Court hereby **ADOPTS** the Report of the United States Magistrate Judge as that of this Court. It is therefore

ORDERED that Plaintiff Marvin Lynn Fleming, Jr’s complaint is *sua sponte* **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 26th day of January, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE